

Title I-C & Title III –
No Child Left Behind Act of 2001

Migrant and English Language Acquisition

► *Working with
private schools*



Missouri Department of Elementary and Secondary Education
D. Kent King, Commissioner of Education

Requirements for districts receiving funds of Title III of the No Child Left Behind (NCLB) Act of 2001 include consultation and coordination with private schools. This document provides guidance to school districts that are required to provide equitable, high-quality language instruction services and other benefits to English Language Learners (ELL), their teachers or other educational personnel from private schools. Religiously affiliated schools are included in the provisions, which also cover Title I-C Migrant Education.

General considerations

Local educational agencies (LEAs), including school districts receiving Title III funds, are required, after timely and meaningful consultation with appropriate officials from private schools, to provide to private school ELL students and their teachers or other educational personnel equitable educational services and benefits that address their needs. These services and benefits shall be equitable in comparison to those received by the same population in the public schools. Public institutions may deliver the services to the private schools directly or through a third-party agency.

Providing equitable services

Public schools receiving Title III funds ensure equitable participation of private school population through early consultation during program design. They should assess, address and evaluate the needs of private school students, teachers or other educational personnel with comparable considerations to theirs in terms of activities being planned. They should offer services that are secular, neutral and nonideological.

Consultation

Title III specifies that the educational services must be provided by the school district to private schools in a timely manner and that consultations with private school officials must occur during the design and development stages of the education programs as well as throughout the period of implementation. The following issues stated in the Act must be addressed during the consultations:

- how the children's needs will be identified;
- what services will be offered;
- who will provide the services and how and where the services will be provided;
- how the services will be assessed and how the assessment results will be used to improve those services;
- the size and scope of the equitable services to be provided to the eligible private school children, teachers and other educational personnel and the amount of funds available for those services; and
- how and when the agency, consortium or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

Third-party service to private schools

Public schools planning to contract with a third-party agency for service delivery must consider the views of the private school officials. When disagreement occurs on the provision of a service contract, the public entity must provide a written explanation of why it has chosen not to use a contractor.

Program design

There are no requirements that program design be the same for the school district and the private entity. Consultation and coordination before any decisions are made that affect the private school population to be served are essential in ensuring service-delivery mechanisms. Programs should be appropriate to each entity's need and ensure high-quality educational instruction that assists the ELL students in attaining English proficiency and meeting the same challenging academic content and academic achievement standards as all children.

Complaints

Private and public entities are encouraged to work out a consensus when their views are in disagreement. However, a report of failure by the public entity to address private school concerns must first be submitted to the Missouri Department of Elementary and Secondary Education (DESE). The state's resolution or failure to make a resolution may be appealed to the U.S. Department of Education no later than 30 days after the state's written resolution.

Control of funds

Control of the funds, material or equipment, and property purchased with Title III is carried out by the public schools for uses and purposes provided in the No Child Left Behind Act.

Private school ELL students

Private school ELL students receiving Title III services must take during the spring the MAC II assessment or the assessment being administered by the private schools. The MAC II must be paid by the private school. The assessment must include the domains of speaking, listening, reading, writing and comprehension and be comparable to the MAC II and aligned with the achievement of academic content and student academic achievement standards established by the state or the private school. Participation is not required of private schools that are not receiving services. Private schools have the right not to participate in Title III activities conducted by the school districts.



ELL teachers

Like teachers in public schools, third-party or private school teachers providing Title III services must meet the language requirements to be fluent in English and any other language being used in the program for instruction.

success starts with reading • success starts with reading

Statewide assessment tool: MAC II

To comply with Title III of the No Child Left Behind Act, the state of Missouri has adopted MAC II as the statewide assessment tool to measure the yearly English language proficiency progress of ELL students. MAC II assesses proficiency in speaking, listening, reading, writing and comprehension. All students receiving ELL services are required to take the MAC II at the session following their enrollment in a Missouri school. No ELL student will be exempted from taking the MAC II except for private school ELL students who are taking their school's assessment test. Refer to the administration manual for details.

Technical assistance

DESE contracted with several school districts and institutions of higher education to provide technical assistance in 1) identifying and implementing language-instruction educational programs and curricula that are based on scientific research; 2) helping ELL children meet the same challenging state academic content and student academic achievement standards required of all children; 3) identifying or developing and implementing measures of English proficiency; and 4) promoting parental and community participation in programs. These school districts and institutions host nine Regional Professional Development Centers (RPDCs) located in Malden, Kirksville, Rolla, Monett, Kansas City, St. Joseph, St. Louis, Columbia and Sedalia. For more information, please call 1-877-435-7537 or visit mo-mell.org/resources.

P private schools, including their ELL students, that do not receive services or benefits under Title III are not affected by the assessment requirements referenced above. School districts are advised to keep a log of their efforts to consult and coordinate with private schools. In the log, they should include names of officials, dates, times, meeting locations, discussed issues or minutes, and any other useful information to back their effort. There is no need to forward that information to DESE.



Missouri Department of Elementary and Secondary Education
Yaya Badji, Supervisor, Federal Discretionary Grants
P.O. Box 480 • Jefferson City, MO 65102-0480
Phone: 573-526-3232 • Fax: 573-526-6698
Toll-free: 1-877-435-7537 • E-mail: yaya.badji@dese.mo.gov



The department does not discriminate on the basis of race, color, national origin, age, sex or disabilities in its programs, services and employment practices.

success starts with reading • success starts with reading